REMARKS

The present Amendment cancels claims 1, 3, 4 and 6-13 and adds new claims 14-24, which are identical in scope to claims canceled claims 1, 3, 4 and 6-13. Therefore, the present application has pending claims 14-24.

Response to Examiner's Amendment

Applicants thank the Examiner for allowing the application. However, the Examiner's Amendment contains a number of errors, which require further amendment to bring the claims into condition for allowance. Applicants submit that the addition of new claims 14-24 embody merely the correction of formal matters in the canceled claims 1, 3, 4 and 6-13, without changing the scope thereof.

On September 28, 2007, the Examiner contacted Applicants' representative to discuss the allowability of the claims. The Examiner proposed amending the claims to bring the application in condition for allowance. Applicants' representative indicated that approval of the proposed amendments would have to be approved by Applicants, and that Applicants' representative would contact the Examiner upon receipt of Applicants' approval or disapproval of the proposed amendments.

Applicants' representative received approval of the proposed amendments, and on October 5, 2007, Applicants' representative faxed to the Examiner a copy of the proposed amendments (see attached Exhibit A), as approved by Applicants. In a follow-up phone call to the Examiner, Applicants' representative provided the Examiner with authorization to amend the claims, in the manner provided in the fax.

However, upon receipt of the Examiner's Amendment mailed on October 17, 2007, Applicants' representative discovered numerous errors throughout the Examiner's Amendment, which caused new antecedent basis problems.

Furthermore, the Examiner's Amendment appears to be non-compliant in that the Examiner refers to language in claims and line numbers that do not exist, or incorrectly quotes language from the claims, making it exceedingly difficult to understand what amendments were intended by the Examiner. Accordingly, rather than attempt to amend from the Examiner's erroneous and non-compliant Amendment, Applicants submit herewith new claims 14-24, which are identical to the proposed amendments faxed to the Examiner on October 5, 2007.

After receiving the Notice of Allowance, Applicants' representative contacted the Examiner in an attempt to try to expedite this matter. However, the Examiner indicated that she had misplaced the fax including the proposed amendment. Therefore, a copy of the fax sent to the Examiner is provided for the Examiner's convenience.

In view of the foregoing amendments and remarks, Applicants submit that claims 14-24 are in condition for allowance. Accordingly, early allowance of claims 14-24 is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger & Malur, P.C., Deposit Account No. 50-1417 (referencing Attorney Docket No. 500.39531X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

Donna K. Mason
Registration No. 45,962

DKM/cmd
(703) 684-1120

Exhibit A

MEMORY TRANSMISSION REPORT

TIME : 10-05-'07 12:27
FAX NO.1 : 703-684-1157
NAME : Mattingly, Stanger

FILE NO. : 509
DATE : 10.05 12:22
TO : 85712737291
DOCUMENT PAGES : 15
START TIME : 10.05 12:23
END TIME : 10.05 12:27
PAGES SENT : 15
STATUS : OK

*** SUCCESSFUL TX NOTICE ***

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
ATTORNEYS AT LAW
1800 DIAGONAL ROAD, SUITE 370
ALEXANDRIA, VIRGINIA 22314

(703) 684-1120

JOHN R. MATTINGLY*
DANIEL J. STANGER
SHRINATH MALUR*
CARL I. BRUNDIDGE*
DONNA K. MASON*
COLIN D. BARNITZ
GENE W. STOCKMAN
OF COUNSEL
JEFFREY M. KETCHUM
Registered Patent Agent
* Bar Members Are Other Than Virginia

PATENT, TRADEMARK AND COPYRIGHT LAW
FACSIMILE: (703) 684-1157

Date: October 5, 2007

FACSIMILE COVER LETTER

Facsimile Number: **571-273-7291**

To: Examiner Kieu Oanh T Bui
U.S. Patent & Trademark Office

From: Donna K. Mason, Esq.
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

Re: USSN 09/764,377
Attorney Docket No.: 500.39531X00

For your review, attached is a copy of our proposed amendments in response to your request to amend independent claims 1, 7, 9, and 11, so as to include the limitations we added to previously presented claim 4.

Also, please note that we amended dependent claim 13. The amendments to dependent claim 13 were necessitated by the amendments to its dependent claim 7.

If you have any questions, please do not hesitate to contact me.

Donna K. Mason — October 5, 2007
Date

Total Number of Pages (including cover sheet): 14

If the facsimile you receive is incomplete or illegible, please CALL (703) 684-1120. Thank you.

Exhibit A

Exhibit A

Proposed Amendment to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (currently amended): A video content transmitting system having a plurality of video content transmitting servers and being capable of transmitting requested video contents in response to a request from any of video content play terminals connected via a network to said plurality of video content transmitting servers, said video content transmitting system comprising:

means for storing information of a plurality of network protocols capable of video content transmission between the plurality of video content play terminals and the plurality of video content transmitting servers, said means for storing information including a first table of protocols for facilitating communication for each combination of one of the plurality of said video content transmitting servers and one of the plurality of said video content play terminals,

wherein the first table includes a listing of the plurality of network protocols, the plurality of video content transmitting servers, and the plurality of video content play terminals, and indicates a correlation between each of the plurality of protocols and a corresponding combination of one of the plurality of said video content transmitting servers and one of the plurality of video content play terminals, and

wherein each of the plurality of protocols is specified for a corresponding network route for video content transmission between each of the plurality of video content transmitting servers and each of the plurality of video content play terminals; ~~and~~

means for selecting a video content transmitting server from the plurality of video content transmitting servers based on a protocol determination of the protocols of the first table in respect of the video content play terminal issuing the request to thereby determine the video content transmitting server capable of transmitting said requested video contents to the video content play terminal requesting said video content transmission; and

means for managing information of a total available bandwidth of a network route for video content transmission between each video content play terminal and each video content transmitting server, and information of a bandwidth now in use for the video content transmission, said managing means including a second table storing information indicative of a correlation between each network route, the total available bandwidth, and the bandwidth now in use,

wherein the second table includes a listing of each network route, the total available bandwidth, and the bandwidth now in use.

2. (canceled).

3. (previously presented): A video content transmitting system according to claim 1, wherein:

said network includes at least a first network and a second network, in one transmission mode, the first network is used when a video content transmission request is transmitted to the video content transmitting system from the video content play terminal and the second network is used when the video contents are transmitted from the video content transmitting server to the video content play terminal in response to said video content transmission request; and

said video content transmitting system further comprises:

means for storing an address for identifying the video content play terminal that issued the video content transmission request via the first network and an address for identifying the video content play terminal receiving the video contents via the second network; and

means for determining a video content destination address to which the video contents are transmitted, in accordance with the stored addresses of the video content play terminal on the first and second networks.

4. (currently amended): A video content transmitting system having a plurality of video content transmitting servers and being capable of transmitting requested video contents in response to a request from any of a video content play terminals connected via a network to said plurality of video content transmitting servers, said video content transmitting system comprising:

means for storing information of a plurality of network protocols capable of video content transmission between the plurality of video content play terminals and the plurality of video transmitting servers, said means for storing information

including a first table of protocols for facilitating communication for each combination of one of the plurality of video content transmitting servers and one of the plurality of video content play terminals,

wherein the first table includes a listing of the plurality of network protocols, the plurality of video content transmitting servers, and the plurality of video content play terminals, and indicates a correlation between each of the plurality of protocols and a corresponding combination of one of the plurality of said video content transmitting servers and one of the plurality of video content play terminals, and

wherein each of the plurality of protocols is specified for a corresponding network route for video content transmission between each of the plurality of video content transmitting servers and each of the plurality of video content play terminals; and

means for selecting video content transmitting servers from the plurality of video content transmitting servers based on a protocol determination of the protocols of the first table in respect of the request issuing terminal;

means for managing information of a total available bandwidth of a network route for video content transmission between each video content play terminal and each video content transmitting server, and information of a bandwidth now in use for the video content transmission, said managing means including a second table storing information indicative of a correlation between each network route, the total available bandwidth, and the bandwidth now in use,

wherein the second table includes a listing of each network route, the total available bandwidth, and the bandwidth now in use;

bandwidth calculating means for calculating a bandwidth of the network route to be used for transmission of requested video contents; and

transmission processing means for determining the video content transmitting server capable of transmitting the requested video contents to the requested video content play terminal among the plurality of video content transmitting servers, in accordance with the total available bandwidth, the bandwidth now in use in the second table and the calculated bandwidth necessary for video content transmission determined by said bandwidth calculating means.

5. (canceled).

6. (previously presented): A video content transmitting system according to claim 4, wherein:

the network includes at least a first network and a second network, in one transmission mode, the first network is used when a video content transmission request is transmitted to the video content transmitting system from the video content play terminal and the second network is used when the video contents are transmitted from the video content transmitting server to the video content play terminal in response to said video content transmission request; and

said video content transmitting system further comprises:

means for storing an address for identifying the video content play terminal that issued the video content transmission request via the first network and an address for identifying the video content play terminal receiving the video contents via the second network; and

means for determining a video content destination address to which the video contents are transmitted, in accordance with the stored addresses of the video content play terminal on a first terminal on the first and second networks.

7. (currently amended): A video content transmitting system having a plurality of video content transmitting servers and being capable of transmitting requested video contents in response to a request from any of a video content play terminals connected via a network to said plurality of video content transmitting servers, said video content transmitting system comprising:

means for storing information of a plurality of network protocols usable for video content transmission between the plurality of video content play terminals and the plurality of video content transmitting servers, said network protocol information storing means including a first table of protocols for facilitating communication for each combination of one of the plurality of video content transmitting servers and one of the plurality of video content play terminals,

wherein the first table includes a listing of the plurality of network protocols, the plurality of video content transmitting servers, and the plurality of video content play terminals, and indicates a correlation between each of the plurality of protocols and a corresponding combination of one of the plurality of

said video content transmitting servers and one of the plurality of video content play terminals, and

wherein each of the plurality of protocols is specified for a corresponding network route for video content transmission between each of the plurality of video content transmitting servers and each of the plurality of video content play terminals;

means for managing information of a total available bandwidth of a network route for video content transmission between each video content play terminal and each video content transmitting server, and information of a bandwidth now in use for the video content transmission, said managing means including a second table storing information indicative of a correlation between each network route, the total available bandwidth, and the bandwidth now in use,

wherein the second table includes a listing of each network route, the total available bandwidth, and the bandwidth now in use;

bandwidth calculating means for calculating a bandwidth of the network route to be used for transmission of requested video contents; and

transmission processing means for selecting a video content transmitting terminal from the plurality of video content transmitting servers based on a protocol determination of the protocols of the first table in respect of the request issuing terminal to thereby determine the video content transmitting server capable of transmitting the requested video contents to the requested video content play terminal, in accordance with the stored network protocol information

and/or in accordance with the total available bandwidth, the bandwidth now in use and the calculated bandwidth necessary for video content transmission.

8. (previously presented): A video content transmitting system according to claim 7, wherein:

the network includes at least a first network and a second network having a transmission bandwidth larger than a transmission bandwidth of the first network, the first network is used when a video content transmission request is transmitted to the video content transmitting system from the video content play terminal and the second network is used when the video contents are transmitted from the video content transmitting server to the video content play terminal in response to the video content transmission request; and

said video content transmitting system further comprises:

means for storing an address for identifying the video content play terminal that issued the video content transmission request via the first network and an address for identifying the video content play terminal receiving the video contents via the second network; and

means for determining a video content destination address to which the video contents are transmitted, in accordance with the stored addresses of the video contents play terminal on the first and second networks.

9. (currently amended): A video content transmitting method for a video content transmitting system having a plurality of video content transmitting

servers and being capable of transmitting requested video contents in response to a request from any of video content play terminals connected via a network to said plurality of video content transmitting servers, said video content transmitting method comprising the steps of:

preparing a first table for storing information of a plurality of network protocols capable of video content transmission between the plurality of video content play terminals and the plurality of video content transmitting servers, said first table of protocols for facilitating communication for each combination of one of the plurality of said video content transmitting servers and one of the plurality of said video content play terminals,

wherein the first table includes a listing of the plurality of network protocols, the plurality of video content transmitting servers, and the plurality of video content play terminals, and indicates a correlation between each of the plurality of protocols and a corresponding combination of one of the plurality of said video content transmitting servers and one of the plurality of video content play terminals, and

wherein each of the plurality of protocols is specified for a corresponding network route for video content transmission between each of the plurality of video content transmitting servers and each of the plurality of video content play terminals; ~~and~~

selecting a video content transmitting server from the plurality of video content transmitting servers based on a protocol determination of the protocols of the first table in respect of the video content play terminal issuing the request to

thereby determine the video content transmitting server capable of transmitting said video contents to a relevant video content play terminal requesting video content transmission, in accordance with said network protocol information stored in said first table, said first table storing a name of each network protocol capable of video content transmission between each terminal and each video content transmitting server; and

managing information of a total available bandwidth of a network route for video content transmission between each video content play terminal and each video content transmitting server, and information of a bandwidth now in use for video content transmission, said managing using information stored in a second table indicative of a correlation between each network route, the total available bandwidth, and the bandwidth now in use,

wherein the second table includes a listing of each network route, the total available bandwidth, and the bandwidth now in use.

10. (previously presented): A video content transmitting method for a video content transmitting system having a plurality of video content transmitting servers and being capable of transmitting requested video contents in response to a request from any of video content play terminals connected via a network to said plurality of video content transmitting servers, said video content transmitting method comprising the steps of:

storing information of a plurality of network protocols capable of video content transmission between the plurality of video content play terminals and

the plurality of video content transmitting servers in a storage device, said storage device including a first table of protocols for facilitating communication for each combination of one of the plurality of video content transmitting servers and one of the plurality of video content play terminals,

wherein the first table includes a listing of the plurality of network protocols, the plurality of video content transmitting servers, and the plurality of video content play terminals, and indicates a correlation between each of the plurality of protocols and a corresponding combination of one of the plurality of said video content transmitting servers and one of the plurality of video content play terminals, and

wherein each of the plurality of protocols is specified for a corresponding network route for video content transmission between each of the plurality of video content transmitting servers and each of the plurality of video content play terminals;

selecting video content transmitting terminals from the plurality of video content transmitting servers based on a protocol determination of the protocols of the first table in respect of the request issuing terminal;

managing information of a total available bandwidth of a network route for video content transmission between each video content play terminal and each video content transmitting server, and information of a bandwidth now in use for video content transmission, said managing using information stored in a second table indicative of a correlation between each network route, the total available bandwidth, and the bandwidth now in use,

wherein the second table includes a listing of each network route, the total available bandwidth, and the bandwidth now in use;

calculating a bandwidth of the network route to be used for transmission of requested video contents; and

determining the video content transmitting server capable of transmitting the requested video content play terminal among the plurality of video content transmitting servers, in accordance with the total available bandwidth, the bandwidth now in use in the second table and the calculated bandwidth necessary for video content transmission determined by said bandwidth calculation.

11. (currently amended): A video content transmitting method for a video content transmitting system having a plurality of video content transmitting servers and being capable of transmitting requested video contents in response to a request from any of video content play terminals connected via a network to said plurality of video content transmitting servers, said video content transmitting method comprising the steps of:

preparing a first table for storing information of a plurality of network protocols usable for video content transmission between the plurality of video content play terminals and the plurality of video content transmitting servers, said first table of protocols for facilitating communication for each combination of one of the plurality of video content transmitting server and one of the plurality of video content play terminals,

wherein the first table includes a listing of the plurality of network protocols, the plurality of video content transmitting servers, and the plurality of video content play terminals, and indicates a correlation between each of the plurality of protocols and a corresponding combination of one of the plurality video content play terminals, and

wherein each of the plurality of protocols is specified for a corresponding network route for video content transmission between each of the plurality of video content transmitting servers and each of the plurality of video content play terminals;

managing information of a total available bandwidth of a network route for video content transmission between each video content play terminal and each video content transmitting server, and information of a bandwidth now in use for video content transmission, said managing using information stored in a second table indicative of a correlation between each network route, the total available bandwidth, and the bandwidth now in use,

wherein the second table includes a listing of each network route, the total available bandwidth, and the bandwidth now in use;

calculating a bandwidth of the network route to be used for transmission of a requested video contents; and

selecting a video content transmitting terminal from the plurality of video content transmitting servers based on a protocol determination of the protocols of the first table in respect of the request issuing terminal to thereby determine the video content transmitting server capable of transmitting the requested video

contents to the requested video content play terminal, in accordance with the stored network protocol information and/or in accordance with the total available bandwidth, the bandwidth now in use and the calculated bandwidth necessary for video content transmission, said first table storing a name of each network protocol capable of video content transmission between each terminal and each video content transmitting server.

12. (previously presented): A video content transmitting method according to claim 11, wherein said first table for storing information of a network protocol usable for video content transmission between the video content play terminal and the video content transmitting terminal can select a network protocol in accordance with the request by the video content play terminal and a network infrastructure.

13. (currently amended): A video content transmitting system according to claim 7, wherein said ~~network information storing means includes a~~ first table ~~storing~~ stores a name of each network protocol capable of video content transmission between each terminal and each video content transmitting server~~,~~

~~wherein said bandwidth information managing means includes a table storing information indicative of a relation between each network route, the total available bandwidth and the bandwidth now in use~~.